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November 3, 2023

Judge Dale E. Ho
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007
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HoNYSDChambers@nysd.uscourts.gov

Re: Shlomo Braun v. The Chartwell Law Offices LLP
Our File Nos.: 766.0078501/766.0078502
Case No.: 1:23-cv-08887-DEH

Dear Hon. Dale E. Ho:

Our office represents The Chartwell Law Offices LLP (the “Defendant”) in the above referenced action (the “FDCPA Complaint”). Our office initially removed this matter from the New York State Supreme Court, New York County to the Eastern District of New York, On October 10, 2023, the Honorable Orelia E. Merchant entered a Summary Remand Order remanding the FDCPA Action to the State Court, holding that it should have been filed in the Southern District. Chartwell filed a Notice of Removal to this Court the same day, thereby initiating the above-captioned matter by filing a notice of removal on October 10, 2023.

On October 20, 2023 our office filed a motion for an order dismissing the complaint filed in this matter (the “FDCPA Complaint”) pursuant to the Federal Rules of Civil Procedure, i.e., Rules 12(b)(1), (b)(6), and/or granting summary judgment pursuant to Rule 56; and, in the alternative, transferring this suit to the Eastern District of New York pursuant to 28 U.S.C. §1404(a) for the convenience of parties and witnesses in the interest of justice, and in the alternative, consolidating this matter with a prior action pending in the Eastern District of New York, styled as 1567 56th Street, LLC, 1569 56th Street, LLC and Shlomo Braun et al. v. Arthur Spitzer, Josh Weinfeld, Isidore Bleier, 1567 56 NY LLC, Dekel Abstract LLC, Abraham Titlebaum, Rosa Funding LLC, PS Funding, Inc., and Jehuda Weisz, Case No. 22-4873-CV (the “RICO Action”), which was commenced by Plaintiff and his related entities on August 17, 2022 (the “RICO Complaint”).

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On November 1, 2023, Plaintiff filed a motion for remand to the Supreme Court of the State of New York, County of New York. Neither motion has a return date scheduled at this time.

While we agree the Plaintiff's remand motion should be decided first, it is Defendant's position that Plaintiff's answer to the Defendant's motion to dismiss, which was filed first, should not be delayed pending the determination of the Plaintiff's motion to remand. It is respectfully requested that, in the interest of judicial economy, the Court schedule both motions to be heard together thus providing the Court the opportunity to decide the motions in one proceeding.

Very truly yours,

CHARTWELL LAW

By: Matthew Burrows
Matthew Burrows

/mb

CC: VIA ECF and Email
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